

Safety Requirements for

CHARTER BOATS

Chapter **296-115 WAC**

Department of

LABOR and

INDUSTRIES



Chapter 296-115
Safety Requirements for Charter Boats
Form Number (F414-050-000)

Issue Date: December 2000

INTRODUCTION

This book contains rules for safety requirements for Charter Boats, as adopted under the Washington Industrial Safety and Health Act of 1973 (Chapter 49.17 RCW). It is current as of the issue date shown on the bottom of each page of text.

DATE: The issue date of this book is December 2000. Future changes will be made on a page-by-page basis with new dates printed on them. The new pages will be delivered to addresses on our master mailing list for updating of the books in circulation. A brief history about the standard, set within brackets at the end of each WAC section, gives statutory authority, administrative order number of adoption, and date of adoption filing.

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DISCLAIMER:

This book may reflect minor changes in its text when compared with the codified WAC as filed with the state Code Reviser's Office. Such editorial changes were included by the Department to clarify interpretations or administrative intent. For legal purposes, the courts may take notice of the codified WAC text without the identified editorial changes.

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Chapter 296-115 WAC, Safety Requirements for Charter Boats

The following summarizes changes made to chapter 296 115 WAC and adopted 11/21/00. These changes are effective 01/01/01.

Please replace this entire chapter with the one provided.

Issue Date: December, 2000

In the 1999 legislative session, RCW 88.04 was amended to increase the interval for drydock inspections from a 24 month to 60 month interval. The legislative action necessitated the Department of Labor and Industries to make amendments to Chapter 296-115 WAC, Safety Requirements for Charter Boats. This change also updates references, corrects grammar and standardizes terms of reference throughout the chapter.

1. Introduction

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SAFETY REQUIREMENTS FOR CHARTER BOATS

| WAC | | Page |
|-------------|---|------|
| 296-115-001 | Foreword. | 1 |
| 296-115-005 | Scope and application. | 1 |
| 296-115-010 | Appeal of decisions. | 2 |
| 296-115-015 | Definitions applicable to all sections of this chapter. | 2 |
| 296-115-025 | Vessel inspection and licensing. | 4 |
| 296-115-030 | Master's examination and licensing. | 6 |
| 296-115-035 | Specific inspection requirements. | 6 |
| 296-115-040 | Construction and arrangement. | 7 |
| 296-115-050 | General requirements. | 8 |
| 296-115-060 | Operations. | 13 |
| 296-115-070 | Rules of navigation. | 14 |
| 296-115-100 | Violations and setting of penalties. | 15 |
| 296-115-120 | Annual fee schedule. | 15 |

WAC 296-115-001 Foreword. This chapter is adopted to implement chapter 88.04 RCW as revised in 1999. The purpose of these rules is to set reasonable guidelines and requirements to provide for the safety and health of passengers and crew on board passenger vessels. It is intended that these rules will be consistent with the rules adopted by the United States Coast Guard under 46 CFR Parts 166 to 199.
[Statutory Authority: RCW 49.17.010, .040, .050. 00-23-100 (Order 00-04), § 296-115-001, filed 11/21/00, effective 01/01/01. Statutory Authority: RCW 49.17.040, 49.17.050, 49.17.240, chapters 42.30 and 43.22 RCW. 80-17-014 (Order 80-20), § 296-115-001, filed 11/13/80.]

WAC 296-115-005 Scope and application.

- (1) This chapter applies to vessels for hire that carry seven or more passengers when operated in waters within the jurisdiction of the state of Washington. These rules do not apply to vessels in the navigable waters of the United States subject to the jurisdiction of the United States Coast Guard.
- (2) Pursuant to chapter 88.04 RCW, the director of the department of labor and industries will administer this chapter.
- (3) All rules adopted by the United States Coast Guard pertaining to inland water passenger vessel service and navigation on inland waters will be applied to this chapter unless they conflict with specific provisions of this chapter or chapter 88.04 RCW.
- (4) Special consideration. In applying the provisions of this section, the director may allow departures from the specific requirements when special circumstances or arrangements warrant such departures.
- (5) The provisions of this chapter do not apply to:
 - (a) A vessel that is a charter boat but is being used by the documented or registered owner of the charter boat exclusively for the owner's own noncommercial or personal pleasure purposes;
 - (b) A vessel owned by a person or corporate entity which is donated and used by a person or nonprofit organization to transport passengers for charitable or noncommercial purposes, regardless of whether consideration is directly or indirectly paid to the owner;
 - (c) A vessel that is rented, leased, or hired by an operator to transport passengers for noncommercial or personal pleasure purposes;
 - (d) A vessel used exclusively for, or incidental to, an educational purpose; or

WAC 296-115-005 (Cont.)

(e) A bare boat charter boat.

[Statutory Authority: RCW 49.17.010, .040, .050. 00-23-100 (Order 00-04), § 296-115-005, filed 11/21/00, effective 01/01/01. Statutory Authority: Chapter 49.17 RCW. 91-24-017 (Order 91-07), § 296-115-005, filed 11/22/91, effective 12/24/91; 91-03-044 (Order 90-18), § 296-115-005, filed 1/10/91, effective 2/12/91. Statutory Authority: RCW 49.17.040, 49.17.050, 49.17.240, chapters 42.30 and 43.22 RCW. 80-17-014 (Order 80-20), § 296-115-005, filed 11/13/80.]

WAC 296-115-010 Appeal of decisions.

- (1) Any person aggrieved by a decision of the Maritime Specialist in Policy & Technical Services (P&TS) may appeal the decision to the director within fifteen working days after receipt of the decision.
- (2) The director will give the Maritime Specialist in P&TS notice of the appeal. The Maritime Specialist in P&TS will have ten working days to comment in writing. At the discretion of the director, an informal conference may be held with all affected parties invited to participate.

- (3) The director must issue a determining order within twenty working days of the receipt of the appeal or within ten working days following conclusion of an informal conference.

[Statutory Authority: RCW 49.17.010, .040, .050. 00-23-100 (Order 00-04), § 296-115-010, filed 11/21/00, effective 01/01/01. Statutory Authority: Chapter 49.17 RCW. 91-03-044 (Order 90-18), § 296-115-010, filed 1/10/91, effective 2/12/91. Statutory Authority: RCW 49.17.040, 49.17.050, 49.17.240, chapters 42.30 and 43.22 RCW. 80-17-014 (Order 80-20), § 296-115-010, filed 11/13/80.]

WAC 296-115-015 Definitions applicable to all sections of this chapter.

Note: Meaning of words. Unless the context indicates otherwise, words used in this chapter will have the meaning given in this section.

Approved means approved by the director; however, if a provision of this chapter requires approval by an agency or organization other than the department such as nationally recognized testing laboratories or the United States Coast Guard is required, then approval by the specified authority will be accepted.

Authorized person means a person approved or assigned by the employer to perform a specific type of duty or duties or be at a specific location or locations at the workplace.

Bare boat charter means the unconditional lease, rental, or charter of a boat by the owner, or his or her agent, to a person who by written agreement, or contract, assumes all responsibility and liability for the operation, navigation, and provisioning of the boat during the term of the agreement or contract, except when a captain or crew is required or provided by the owner or owner's agents to be hired by the charterer to operate the vessel.

Carrying passengers or cargo means the transporting of any person or persons or cargo on a vessel for a fee or other consideration.

CFR means Code of Federal Regulations.

Charter boat means a vessel or barge operating on waters of the state of Washington which is not inspected or licensed by the United States Coast Guard and over which the United States Coast Guard does not exercise jurisdiction and which is rented, leased, or chartered to carry more than six persons or cargo.

Commercial means any activity from which the operator, or the person chartering, renting, or leasing a vessel derives a profit, and/or which qualifies as a legitimate business expense under the Internal Revenue Statutes.

Competent person means someone who is capable of identifying existing and predictable hazards in the surroundings or working conditions that are unsanitary, hazardous, or dangerous to employees, and who has authorization to take prompt action to eliminate them.

WAC 296-115-015 (Cont.)

Confined space means a space that:

- (1) Is large enough and so configured that an employee can bodily enter and perform assigned work; and
- (2) Has limited or restricted means for entry or exit (for example, tanks, vessels, silos, storage bins, hoppers, vaults, and pits are spaces that may have limited means of entry); and
- (3) Is not designed for continuous employee occupancy.

Defect means any characteristic or condition that tends to weaken or reduce the strength of the tool, object, or structure of which it is a part.

Department means the department of labor and industries.

Director means the director of the department of labor and industries, or his/her designated representative.

Employer means any person, firm, corporation, partnership, business trust, legal representative, or other business entity that operates a passenger vessel for hire in this state and employs one or more employees or contracts with one or more persons, the essence of which is the personal labor of such persons. Any person, partnership, or business entity that has no employees, and is covered by the Industrial Insurance Act shall be considered both an employer and an employee.

Enclosed space means any space, other than a confined space, which is enclosed by bulkheads and overhead. It includes cargo holds, tanks, quarters, and machinery and boiler spaces.

Equipment means a system, part, or component of a vessel as originally manufactured, or a system, part, or component manufactured or sold for replacement, repair, or improvement of a system, part, or component of a vessel; an accessory or equipment for, or appurtenance to a vessel; or a marine safety article, accessory, or equipment, including radio equipment, intended for use by a person on board a vessel.

Hazard means a condition, potential or inherent, that is likely to cause injury, death, or occupational disease.

Hazardous substance means a substance that, because it is explosive, flammable, poisonous, corrosive, oxidizing, irritating, or otherwise harmful, is likely to cause death or injury, including all substances listed on the USCG hazardous materials list.

Inspection means the examination of vessels by the director or an authorized representative of the director.

Maritime Specialist in P&TS means a technical and operations specialist in maritime issues located in the department of labor and industries' policy and technical services section.

Passenger means any person or persons, carried on board a vessel in consideration of the payment of a fee or other consideration.

Port means left hand side of a vessel as one faces the bow.

Starboard means right hand side of a vessel as one faces the bow.

Power driven vessel means any vessel propelled by machinery.

WAC 296-115-015 (Cont.)

Qualified means one who, by possession of a recognized degree, certificate, or professional standing, or who by extensive knowledge, training, and experience, has successfully demonstrated the ability to solve problems relating to the subject matter, the work, or the project.

Safety and health standard means a standard that requires the adoption or use of one or more practices, means, methods, operations, or processes reasonably necessary or appropriate to provide safe or healthful employment and places of employment.

Should means recommended.

Substantial means constructed of such strength, of such material, and of such workmanship, that the object referred to will withstand all normal wear, shock, and usage.

Standard safeguard means a device intended to remove a hazard incidental to the machine, appliance, tool, or equipment to which the device is attached.

Standard safeguards shall be constructed of either metal, wood, other suitable material, or a combination of these. The final determination of the sufficiency of any safeguard rests with the director.

Suitable means that which fits, or has the qualities or qualifications to meet a given purpose, occasion, condition, function, or circumstance.

Under way means a vessel is not at anchor, or made fast to the shore, or aground.

USCG means the United States Coast Guard.

United States Coast Guard Navigation means rules International/Inland, Commandants Instruction M16672.29 as now adopted, or hereafter legally amended by the United States Coast Guard.

Vessel means every description of motorized watercraft, other than a bare boat charter boat, seaplane, or sailboat, used or capable of being used to transport more than six passengers or cargo on water for rent, lease, or hire.

Working day means a calendar day, except Saturdays, Sundays, and legal holidays as set forth in RCW 1.16.050, as now or hereafter amended. The time within which an act is to be done under the provisions of this chapter shall be computed by excluding the first working day and including the last working day.

Worker, personnel, man, person, employee, and other terms of like meaning, unless the context indicates otherwise means an employee of an employer who is employed in the business of his/her employer whether by way of manual labor or otherwise and every person in this state who is engaged in the employment of or who is working under an independent contract the essence of which is his/her personal labor for an employer whether by manual labor or otherwise.

[Statutory Authority: RCW 49.17.010, .040, .050. 00-23-100 (Order 00-04), § 296-115-015, filed 11/21/00, effective 01/01/01.

Statutory Authority: Chapter 49.17 RCW. 95-04-007, § 296-115-015, filed 1/18/95, effective 3/1/95; 91-24-017 (Order 91-07),

§ 296-115-015, filed 11/22/91, effective 12/24/91; 91-03-044 (Order 90-18), § 296-115-015, filed 1/10/91, effective 2/12/91.

Statutory Authority: RCW 49.17.040, 49.17.050, 49.17.240, chapters 42.30 and 43.22 RCW. 80-17-014 (Order 80-20), § 296-115-015, filed 11/13/80.]

WAC 296-115-025 Vessel inspection and licensing.

- (1) The department must inspect all vessels to ensure they are safe and seaworthy at least once each year. The department may also inspect a vessel if requested to do so by the owner, operator, or master of the vessel, and after an explosion, fire, or any other accident involving the vessel.

WAC 296-115-025 (Cont.)

- (2) The department may inspect a vessel upon receipt of a complaint from any person or, at the discretion of the department, at any other time.
- (3) The department will charge the owner of a vessel a fee for each certification or recertification inspection. This fee will be determined by the director. (See WAC 296-115-120 for fee schedule.)
- (4) After the department has inspected a vessel and it is satisfied the vessel is safe and seaworthy, the department will issue a certificate of inspection for that vessel. The certificate will be valid for one year after the date of inspection.
- (5) The certificate must set forth the date of the inspection, the names of the vessel and the owner, the number of lifeboats and life preservers required, the number of passengers allowed, and any other information the department may by rule require.
- (6)(a) If at any time a vessel is found to be not safe or seaworthy, or not in compliance with the provisions of this chapter, the department may refuse to issue a certificate of inspection until the deficiencies have been corrected and may cancel any certificate of inspection currently issued.
- (b) The department must give the owner of the vessel a written statement of the reason(s) the vessel was found to be unsafe, unseaworthy, or not in compliance with the provisions of this chapter, including a specific reference to the statute or rule with which the vessel did not comply.
- (7) An inspector of the department may, upon the presentation of his or her credentials to the owner, master, operator, or agent in charge of a vessel, board the vessel without delay to make an inspection. The inspector must inform the owner, master, operator, or agent in charge that his or her intent is to inspect the vessel.
- (8) During the inspection, the inspector must have access to all areas of the vessel. The inspector may question privately the owner, master, operator, or agent in charge of the vessel, or any crew member or passenger on the vessel.
- (9) If any person refuses to allow an inspector to board a vessel for an inspection, or refuses to allow access to any areas of the vessel, the department may request a warrant from the superior court for the county in which the vessel is located. The court will grant the warrant:
 - (a) If there is evidence that the vessel has sustained a fire, explosion, unintentional grounding, or has been involved in any other accident;
 - (b) If there is evidence that the vessel is not safe or seaworthy; or
 - (c) Upon a showing that the inspection furthers a general administrative plan for enforcing the safety requirements of the act.
- (10) The owner or master of a vessel must post the certificate of inspection behind glass in a conspicuous area of the vessel.
- (11) No person will operate a passenger vessel if the vessel does not have a valid certificate of inspection.
[Statutory Authority: RCW 49.17.010, .040, .050. 00-23-100 (Order 00-04), § 296-115-025, filed 11/21/00, effective 01/01/01.
Statutory Authority: Chapter 49.17 RCW. 91-03-044 (Order 90-18), § 296-115-025, filed 1/10/91, effective 2/12/91. Statutory Authority: RCW 49.17.040, 49.17.050, 49.17.240, chapters 42.30 and 43.22 RCW. 80-17-014 (Order 80-20), § 296-115-025, filed 11/13/80.]

WAC 296-115-030 Master's examination and licensing.

- (1) The registered owner of passenger vessels or barges for hire is responsible to obtain an operator's license from the United States Coast Guard or the department for the master or operator of each vessel. A physical examination will be required.
- (2) The department will penalize any person who acts as a master or operator on a vessel without having first received a United States Coast Guard or department license, or without having a valid license in his or her possession, or upon a vessel or class of vessels not specified in the license.
- (3) The department may recommend suspension or revocation of a license to the United States Coast Guard for intemperance, incompetence, or a negligent, reckless, or willful disregard for duty.

[Statutory Authority: RCW 49.17.010, .040, .050. 00-23-100 (Order 00-04), § 296-115-030, filed 11/21/00, effective 01/01/01. Statutory Authority: Chapter 49.17 RCW. 89-21-018 (Order 89-10), § 296-115-030, filed 10/10/89, effective 11/24/89. Statutory Authority: RCW 49.17.040, 49.17.050, 49.17.240, chapters 42.30 and 43.22 RCW. 80-17-014 (Order 80-20), § 296-115-030, filed 11/13/80.]

WAC 296-115-035 Specific inspection requirements.

- (1) Drydocking or hauling out.

Each vessel subject to the provisions in this section must be drydocked or hauled out at intervals not to exceed sixty months and the underwater hull and appendages, propellers, shafting, stern bearings, rudders, through-hull fittings, sea valves and strainers must be examined to determine that these items are in satisfactory condition.

- (2) At the annual inspection the inspector must view the vessel afloat and conduct the following tests and inspections of the hull:
 - (a) Hull exterior and interior, bulkheads, and weather deck.
 - (b) Examine and test by operation all watertight closures in the hull, decks, and bulkheads.
 - (c) Inspect all railings and bulwarks and their attachment to the hull.
 - (d) Inspect weathertight closures above the weather deck and drainage or water from exposed decks and superstructure.
- (3) At the annual inspection the inspector will examine and test the following items:
 - (a) Main propulsion machinery.
 - (b) Engine starting system.
 - (c) Engine control mechanisms.
 - (d) Auxiliary machinery.
 - (e) Fuel systems.
 - (f) Sea valves and bulkhead closure valves.
 - (g) Bilge and drainage systems.
 - (h) Electrical system, including circuit protection.

WAC 296-115-035 (Cont.)

- (4) Lifesaving and fire extinguishing equipment. At each annual inspection the inspector must inspect the life saving and fire extinguishing equipment for serviceability.
- (5) Miscellaneous systems and equipment. At each annual inspection the marine dock inspector must inspect and test the vessel's steering apparatus, ground tackle, navigation lights, sanitary facilities, pressure vessels, and any other equipment aboard the vessel for serviceability and safety.

[Statutory Authority: RCW 49.17.010, .040, .050, 00-23-100 (Order 00-04), § 296-115-035, filed 11/21/00, effective 01/01/01.
Statutory Authority: Chapter 49.17 RCW. 91-03-044 (Order 90-18), § 296-115-035, filed 1/10/91, effective 2/12/91. Statutory Authority: RCW 49.17.040, 49.17.050, 49.17.240, chapters 42.30 and 43.22 RCW. 80-17-014 (Order 80-20), § 296-115-035, filed 11/13/80.]

WAC 296-115-040 Construction and arrangement.

- (1) Application.
- (a) The requirements of this section apply to all vessels contracted for construction on or after June 7, 1979.
 - (b) Vessels constructed before the effective date of this chapter must be brought into substantial compliance with the requirements of this section. Where deviation exists and strict compliance is impractical, the director may grant a temporary variance to allow a modification or a permanent variance if the intent of subsection (1)(c) of this section is met.
 - (c) The intent of the regulations in this part is to provide for a sound, seaworthy vessel, reasonably fit for the service it is intended to provide, and to ensure that the materials, scantlings, fastenings, and workmanship meet this intent. Primary consideration must be given to the provision of a seaworthy hull, protection against fire, means of escape in case of casualty, guards and rails in hazardous places, ventilation of closed spaces, and necessary facilities for passengers and crew.
- (2) Hull structure.
- (a) In general, compliance with the standards of the United States Coast Guard rules for small passenger vessels or with the standards of a recognized classification society will be considered satisfactory evidence of the structural adequacy of a vessel.
 - (b) Special consideration will be given by the director to materials or structural requirements not contemplated by the standards of a recognized classification society.
- (3) Watertight integrity and subdivision.
- (a) All vessels carrying more than forty-nine passengers must have a collision bulkhead and watertight bulkheads (or sufficient air tankage or other internal flotation) so the vessel will remain afloat (with positive stability) with any one main compartment flooded.
 - (b) All watertight bulkheads required by this part must be of substantial construction so as to be able to remain watertight with water to the top of the bulkhead.
 - (c) Watertight bulkheads must extend intact to the bulkhead deck. Penetrations must be kept to a minimum and must be watertight.
 - (d) The weather deck on a flush deck vessel must be watertight and must not obstruct overboard drainage.

WAC 296-115-040 (Cont.)

- (e) Cockpits must be watertight except that companionways may be fitted if they are provided with watertight coamings and weathertight doors. Also, ventilation openings may be provided if they are situated as high in the cockpit as possible and the opening height does not exceed two inches.
 - (f) Cockpits must be self-bailing. The scuppers installed for this purpose must be located so as to be effective considering probable list and trim.
 - (g) Well decks must be watertight. Freeing ports may be installed if the provisions of applicable United States Coast Guard standards are followed.
 - (h) On vessels operating on protected waters, hatches may be weathertight. All hatches must be provided with covers capable of being secured.
 - (i) The number of openings in the vessel's sides below the weather deck must be kept to a minimum.
 - (j) Any openings in a vessel's sides, such as portlights, must comply with applicable United States Coast Guard standards.
- (4) Stability.
- (a) All vessels subject to the provisions of this section must have a stability test, except that the director may dispense with the requirements for a test if he deems that a test is not required, on the basis of sufficient evidence provided by the owner that the vessel's stability is satisfactory for the service for which it is intended.
 - (b) A letter stating that the vessel has met the stability requirements of this part must be posted in the pilothouse of each vessel.

[Statutory Authority: RCW 49.17.010, .040, .050. 00-23-100 (Order 00-04), § 296-115-040, filed 11/21/00, effective 01/01/01.
Statutory Authority: Statutory Authority: RCW 49.17.040, 49.17.050, 49.17.240, chapters 42.30 and 43.22 RCW. 80-17-014 (Order 80-20), § 296-115-040, filed 11/13/80.]

WAC 296-115-050 General requirements.

- (1) Application.
- (a) The following rules are applicable to all vessels operated within the scope of this chapter.
 - (b) Where an existing vessel does not comply with a particular requirement of this section, the director may grant a temporary variance to allow time for modifications to be made.
 - (c) Where an existing vessel does not comply with a specific requirement contained herein but the degree of protection afforded is judged to be adequate for the service in which the vessel is used, the director may grant a permanent variance.
- (2) Lifesaving equipment. Where equipment required by this section is required to be of an approved type, the equipment is required to be approved by the USCG.
- (3) Lifesaving equipment required.
- (a) All vessels carrying passengers must carry life floats or buoyant apparatus for all persons on board.
 - (b) All life floats or buoyant apparatus must be international orange in color.

WAC 296-115-050 (Cont.)

- (c) In the case of vessels operating not more than one mile from land, the director may permit operation with reduced amounts of life floats or buoyant apparatus, when, in his opinion, it is safe to do so.
 - (d) Lifeboats, life rafts, dinghies, dories, skiffs, or similar type craft may be substituted for the required life floats or buoyant apparatus if the substitution is approved by the director.
 - (e) Life floats, buoyant apparatus, or any authorized substitute must have the following equipment:
 - (i) A life line around the sides at least equivalent to 3/8-inch manila, festooned in bights of at least three feet, with a seine float in the center of each bight.
 - (ii) Two paddles or oars not less than four feet in length.
 - (iii) A painter of at least thirty feet in length and of at least two-inch manila or the equivalent.
 - (f) All vessels must have an approved adult type life preserver for each person carried, with at least ten percent additional of a type suitable for children.
 - (g) Life preservers must be stowed in readily accessible places in the upper part of the vessel, and each life preserver shall be marked with the vessel's name.
 - (h) All vessels must carry at least one life ring buoy of an approved type with sixty feet of line attached.
 - (i) The life ring buoy must be carried in a readily accessible location and must be capable of being cast loose at any time.
- (4) Fire protection.
- (a) The general construction of a vessel must minimize fire hazards.
 - (b) Internal combustion engine exhausts, boiler and galley uptakes, and similar sources of ignition must be kept clear of and suitably insulated from woodwork or other combustible material.
 - (c) Lamp, paint, and oil lockers and similar storage areas for flammable or combustible liquids must be constructed of metal or lined with metal.
- (5) Fire protection equipment. Equipment required by this section, when required to be of an approved type, must be of a type approved by the USCG or other agency acceptable to the director.
- (6) Fire pumps.
- (a) All vessels carrying more than forty-nine passengers must carry an approved power fire pump, and all other vessels must carry an approved hand fire pump. These pumps must be provided with a suitable suction and discharge hose. These pumps may also serve as bilge pumps.
 - (b) Vessels required to have a power fire pump must also have a fire main system, including fire main, hydrants, hose, and nozzles. The fire hose may be a good commercial grade garden hose of not less than 5/8 inch size.
- (7) Fixed fire extinguishing system.
- (a) All vessels powered by internal combustion engines using gasoline or other fuel having a flashpoint of 110°F or lower, must have a fixed fire extinguishing system to protect the machinery and fuel tank spaces.

WAC 296-115-050 (Cont.)

- (b) This system must be an approved type using carbon dioxide and have a capacity sufficient to protect the space.
 - (c) Controls for the fixed system must be installed in an accessible location outside the space protected.
- (8) Fire axe. All vessels must have one fire axe located in or near the pilothouse.
- (9) Portable fire extinguishers.
- (a) All vessels must have a minimum number of portable fire extinguishers of an approved type. The number required will be determined by the director.
 - (b) Portable fire extinguishers must be inspected at least once a month. Extinguishers found defective must be serviced or replaced.
 - (c) Portable fire extinguishers must be serviced at least once a year. The required service must consist of discharging and recharging foam and dry chemical extinguishers and weighing and inspecting carbon dioxide extinguishers.
 - (d) Portable fire extinguishers must be hydrostatically tested at intervals not to exceed those specified in WAC 296-24-59211(2) and Table I (after August 31, 2001, see WAC 296-800-300).
 - (e) Portable fire extinguishers of the vaporizing liquid type such as carbon tetrachloride and other toxic vaporizing liquids are prohibited and must not be carried on any vessel.
 - (f) Portable fire extinguishers must be mounted in brackets or hangers near the space protected. The location must be marked in a manner satisfactory to the director.
- (10) Means of escape.
- (a) Except as otherwise provided in this section, all vessels must be provided with not less than two avenues of escape from all general areas accessible to the passengers or where the crew may be quartered or normally employed. The avenues must be located so that if one is not available the other may be. At least one of the avenues should be independent of watertight doors.
 - (b) Where the length of the compartment is less than twelve feet, one vertical means of escape will be acceptable under the following conditions:
 - (i) There is no source of fire in the space, such as a galley stove or heater and the vertical escape is remote from the engine and fuel tank space; or
 - (ii) The arrangement is such that the installation of two means of escape does not materially improve the safety of the vessel or those aboard.
- (11) Ventilation.
- (a) All enclosed spaces within the vessel must be properly vented or ventilated. Where such openings would endanger the vessel under adverse weather conditions, means must be provided to close them.
 - (b) All crew and passenger space must be adequately ventilated in a manner suitable to the purpose of the space.

WAC 296-115-050 (Cont.)

- (12) Crew and passenger accommodations.
- (a) Vessels with crew members living aboard must have suitable accommodations.
 - (b) Vessels carrying passengers must have fixed seating for the maximum number of passengers permitted to be carried.
 - (c) Fixed seating must be installed with spacing to provide for ready escape in case of fire or other casualty.
 - (d) Fixed seating must be installed as follows, except that special consideration may be given by the director if escape over the side can be readily accomplished through windows or other openings in the way of the seats:
 - (i) Aisles not over fifteen feet long must be not less than twenty-four inches wide.
 - (ii) Aisles over fifteen feet long must be not less than thirty inches wide.
 - (iii) Where seats are in rows the distance from seat front to seat front must be not less than thirty inches.
 - (e) Portable or temporary seating may be installed but must be arranged in general as provided for fixed seating.
- (13) Toilet facilities and drinking water.
- (a) Vessels must be provided with toilets and wash basins as specified in WAC 296-24-12007 and 296-24-12009, (after August 31, 2001, see WAC 296-800 300), except that in the case of vessels used exclusively on short runs of approximately thirty minutes or less, the director may approve other arrangements.
 - (b) All toilets and wash basins must be fitted with adequate plumbing. Facilities for men and women must be in separate compartments, except in the case of vessels carrying forty-nine passengers and less, the director may approve other arrangements.
 - (c) Potable drinking water must be provided for all passengers and crew. The provisions of WAC 296-24-12005 applies through August 31, 2001, after August 31, 2001, see WAC 296-800-300.
 - (d) Covered trash containers must be provided in passenger areas.
- (14) Rails and guards.
- (a) Except as otherwise provided in this section, rails or equivalent protection must be installed near the periphery of all weather decks accessible to passengers and crews. Where space limitations make deck rails impractical, such as at narrow catwalks in the way of deckhouse sides, hand grabs may be substituted.
 - (b) Rails must consist of evenly spaced courses. The spacing must not be greater than twelve inches except as provided in WAC 296-115-050(14)(f). The lower rail courses may not be required where all or part of the space below the upper rail course is fitted with a bulwark, chain link fencing, wire mesh or the equivalent.

WAC 296-115-050 (Cont.)

- (c) On passenger decks of vessels engaged in ferry or excursion type operation, rails must be at least forty-two inches high. The top rail must be pipe, wire, chain, or wood and must withstand at least two hundred pounds of side loading. The space below the top rail must be fitted with bulwarks, chain link fencing, wire mesh, or the equivalent.
 - (d) On vessels in other than passenger service, the rails must be not less than thirty-six inches high, except that where vessels are used in special service, the director may approve other arrangements, but in no case less than thirty inches.
 - (e) Suitable storm rails or hand grabs must be installed where necessary in all passageways, at deckhouse sides, and at ladders and hatches where passengers or crew might have normal access.
 - (f) Suitable covers, guards, or rails must be installed in the way of all exposed and hazardous places such as gears or machinery. (See WAC 296-24-150 for detailed requirements.)
- (15) Machinery installation.
- (a) Propulsion machinery.
 - (i) Propulsion machinery must be suitable in type and design for the propulsion requirements of the hull in which it is installed. Installations meeting the requirements of the USCG or other classification society will be considered acceptable to the director.
 - (ii) Installations using gasoline as a fuel must meet the requirements of applicable USCG standards.
 - (iii) Installations using diesel fuel must meet the requirements of applicable USCG standards.
 - (b) Auxiliary machinery and bilge systems.
 - (i) All vessels must be provided with a suitable bilge pump, piping and valves for removing water from the vessel.
 - (ii) Vessels carrying more than forty-nine passengers must have a power operated bilge pump. The source of power must be independent of the propulsion machinery. Other vessels must have a hand operated bilge pump, but may have a power operated pump if it is operated by an independent power source.
 - (c) Steering apparatus and miscellaneous systems.
 - (i) All vessels must be provided with a suitable steering apparatus.
 - (ii) All vessels must be provided with navigation lights and shapes, whistles, fog horns, and fog bells as required by the USCG rules of navigation.
 - (iii) All vessels must be equipped with a suitable number of portable battery lights for emergency purposes.
 - (d) Electrical installations. The electrical installations of all vessels must be at least equal to applicable USCG standards, or as approved by the director.

[Statutory Authority: RCW 49.17.010, .040, .050. 00-23-100 (Order 00-04), § 296-115-050, filed 11/21/00, effective 01/01/01.
Statutory Authority: RCW 49.17.040, 49.17.050, 49.17.240, chapters 42.30 and 43.22 RCW. 80-17-014 (Order 80-20), § 296-115-050, filed 11/13/80.]

WAC 296-115-060 Operations.

- (1) This section applies to all passenger vessel operations within the scope of this chapter.
- (2) No person will rent, lease, or hire out a charter boat, nor carry, advertise for the carrying of, nor arrange for the carrying of, more than six passengers on a vessel for a fee or other consideration on the waters of the state unless the vessel is in compliance with the provisions of this chapter.
- (3) Notice of casualty.
 - (a) The owner or person in charge of any vessel involved in a marine accident or casualty involving any of the following must report the incident immediately to the department.
 - (i) Damage to property in excess of one thousand five hundred dollars.
 - (ii) Major damage affecting the seaworthiness or safety of the vessel.
 - (iii) Loss of life or an injury to a person that incapacitates the person for more than seventy-two hours.
 - (b) The report must be in writing to the director and upon receipt of the report the director may request an investigation by a marine dock inspector.
- (4) Miscellaneous operating requirements.
 - (a) In the case of collision, accident, or other casualty involving a vessel the operator, must, so far as he can do so without serious danger to his own vessel or persons aboard, render any necessary assistance to other persons affected by the collision, accident, or casualty to save them from danger. He must also give his name and address and the name of his vessel to any person injured and to the owner of any property damaged.
 - (b) The person in charge of the vessel must see that the provisions of the certificate of inspection are strictly adhered to. This will not be construed as limiting the person in charge from taking any action in an emergency that he deems necessary to help vessels in distress or to prevent loss of life.
 - (c) Persons operating vessels must comply with the provisions of the USCG rules of the road for inland waters.
 - (d) The operator of a vessel must test the vessel's steering gear, signaling whistle, controls, and communication system before getting under way for the day's operation.
 - (e) Vessels using fuel having a flashpoint of 110°F or lower must not take on fuel when passengers are on board.
 - (f) All vessels must enforce "no smoking" provisions when fueling. Locations on the vessel where flammable or combustible liquids are stored must be posted "no smoking."
 - (g) All vessels must prepare and post emergency check-off lists in a conspicuous place accessible to crew and passengers, covering the following:
 - (i) Man overboard.
 - (ii) Fire.

WAC 296-115-060 (Cont.)

- (h) The persons in charge must conduct emergency drills to ensure that the crew is familiar with their duties in an emergency.
 - (i) The carriage of hazardous substances is prohibited on vessels. However, the director may authorize a vessel to carry specific types and quantities of hazardous substances if he deems it necessary.
 - (j) All areas accessible to passengers or crew must be kept in a clean and sanitary condition. All walking surfaces must be free of slipping or tripping hazards and in good repair.
- (5) First-aid training. There must be present or available on all passenger vessels at all times, a person holding a valid certificate of first-aid training.
- (6) Valid certification must be achieved by passing a course of first-aid instruction and participation in practical application of the following subject matter.
- Bleeding control and bandaging.
 - Practical methods of artificial respiration, including mouth to mouth and mouth to nose resuscitation.
 - Closed chest heart massage.
 - Poisons.
 - Shock, unconsciousness, stroke.
 - Burns, scalds.
 - Sunstroke, heat exhaustion.
 - Frostbite, freezing, hypothermia.
 - Strains, sprains, hernias.
 - Fractures, dislocations.
 - Proper transportation of the injured.
 - Bites, stings.

Subjects covering specific health hazards likely to be encountered by co-workers of first-aid students enrolled in the course.

- (7) First-aid equipment. A first-aid kit or first-aid room must be provided on all passenger vessels. The size and quantity of first-aid supplies or equipment required must be determined by the number of persons normally dependent upon each kit or equipment. The first-aid kit or supplies must be in a weatherproof container with individually sealed packages for each type of item. The first-aid station or kit location must be posted or on the container.

[Statutory Authority: RCW 49.17.010, .040, .050. 00-23-100 (Order 00-04), § 296-115-060, filed 11/21/00, effective 01/01/01. Statutory Authority: Chapter 49.17 RCW. 91-03-044 (Order 90-18), § 296-115-060, filed 1/10/91, effective 2/12/91. Statutory Authority: RCW 49.17.040, 49.17.050, 49.17.240, chapters 42.30 and 43.22 RCW. 80-17-014 (Order 80-20), § 296-115-060, filed 11/13/80.]

WAC 296-115-070 Rules of navigation. The operation and navigation of all vessels subject to this chapter must be in strict accordance with the United States Coast Guard Navigation Rules International/Inland, Commandants Instruction M16672.29 as now adopted, or hereafter legally amended by the United States Coast Guard.

- (1) A copy of the United States Coast Guard Navigation Rules International/Inland, Commandants Instruction M16672.29, must be on board all vessels subject to this chapter at all times when the vessel is under way.

WAC 296-115-070 (Cont.)

- (2) At least annually, where applicable, the operator of each vessel must "swing the vessel" to determine the actual compass readings in relation to true compass headings, and must maintain a record on board the vessel.

[Statutory Authority: RCW 49.17.010, .040, .050. 00-23-100 (Order 00-04), § 296-115-070, filed 11/21/00, effective 01/01/01. Statutory Authority: Chapter 49.17 RCW. 91-03-044 (Order 90-18), § 296-115-070, filed 1/10/91, effective 2/12/91. Statutory Authority: RCW 49.17.040, 49.17.050, 49.17.240, chapters 42.30 and 43.22 RCW. 80-17-014 (Order 80-20), § 296-115-070, filed 11/13/80.]

WAC 296-115-100 Violations and setting of penalties.

- (1) Violations of the mandatory provisions of this chapter will be subject to penalty. The amount of the penalty will be assessed in accordance with the guidelines and fixed schedules contained herein.
- (2) Fixed schedule penalties.
- (a) Failure to display certificate of inspection as required: Fifty dollars to owner of the vessel.
- (b) Operation of vessel in passenger service without a valid certificate of inspection: To owner of vessel, two hundred dollars per violation; to person who operates vessel, one hundred dollars per violation.
- (c) Operation of vessel in passenger service while not in possession of valid USCG/state of Washington operator's license: One hundred dollars per violation to owner of vessel.

[Statutory Authority: RCW 49.17.010, .040, .050. 00-23-100 (Order 00-04), § 296-115-100, filed 11/21/00, effective 01/01/01. Statutory Authority: Chapter 49.17 RCW. 91-03-044 (Order 90-18), § 296-115-100, filed 1/10/91, effective 2/12/91. Statutory Authority: RCW 49.17.040, 49.17.050, 49.17.240, chapters 42.30 and 43.22 RCW. 80-17-014 (Order 80-20), § 296-115-100, filed 11/13/80.]

WAC 296-115-120 Annual fee schedule.

- (1) The annual license fee for passenger vessels or barges is \$250.00 plus \$2.00 per ton for each vessel.
- (2) The fee for an operator's license for passenger vessels or barges is \$50.00 for the first year; this covers application and test costs. The renewal fee is \$25.00 annually.
- (3) Additional inspection service when required is at the rate of \$25.00 per hour, plus travel and per diem.

[Statutory Authority: Chapter 49.17 RCW. 89-21-018 (Order 89-10), § 296-115-120, filed 10/10/89, effective 11/24/89. Statutory Authority: RCW 49.17.040, 49.17.050, 49.17.240, chapters 42.30 and 43.22 RCW. 80-17-014 (Order 80-20), § 296-115-120, filed 11/13/80.]

